

To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled,

THE MEMORIAL
Of Samuel G. Ogden of the city of New York, Merchant,

RESPECTFULLY SHewETH,

That your memorialist is under a criminal prosecution for an offence against the laws of the U. States, of which if he is guilty he has been led into the error by the conduct of officers of the executive government, who now intend by bringing upon him the penalties of the laws, to sacrifice his character, fortune and liberty, in expiation of their own errors, or to deprecate the vengeance of foreign governments, by offering him as a victim to their resentments.

Your memorialist is the owner of an armed ship called the Leander, which lately sailed from the port of New York under the command of General Francisco de Miranda, to whom your memorialist chartered the said ship. Your memorialist in his mercantile capacity was an active agent in fitting and providing her for the voyage in which she sailed. And for his agency in this respect he now stands indicted. But your memorialist did not know that there was any law of the United States, which forbade him to act as he has done, in relation to the above mentioned ship, nor could he believe that his acts were criminal, when he was certain that the projects of general Miranda as connected with the expedition of an armament from the U. States had not only been fully communicated to the president and to the secretary of state, but had received their applause and encouragement. When he knew also that the executive officers of the government of the United States, at the city of New York, had a full knowledge of the extraordinary equipments of the Leander, and when he found that no measures were taken to caution your memorialist or to check these preparations.

If the acts of your memorialist have been illegal he cannot doubt, but that the laws may be put in force against him. They may be instruments in the hands of that executive, who has rendered him obnoxious to the punishment they denounce. Yet as there must be in a free government some shelter in every case from injustice and oppression, your memorialist turns with confident hopes to the assembled representatives of a free people, and trusts that if it shall appear to them, that one of their fellow citizens has been seduced into an error by the encouragement of the executive, that executive will not be suffered to prostitute its power by bringing on him punishment, when the guilt, if any there be, rests upon themselves.

Your memorialist has not only to complain of the injustice of causing him to be prosecuted as a criminal, but to represent to you the illegal manner of conducting that prosecution, by which the most sacred rights of a citizen have been violated, & the first principles of justice trampled under foot by a magistrate of the U. States. That the case of your memorialist may be fully before your honorable body, he will proceed to give a candid history of all the facts which have relation to the offence of which he is accused.

Your memorialist was unacquainted with general Miranda, till about the 23d day of December last, when he returned from Washington. He then applied to your memorialist as the owner of the ship Leander, which he proposed to engage to transport him with some men, munition and implements of war, to a port in the Spanish territory in South America, at the same time inviting your memorialist to provide a variety of those articles, which his project required and in order to induce your memorialist to embark in the enterprise, and to convince him that it had the approbation of the government of the U. States, the following facts were disclosed to your memorialist and were corroborated by the representation of Col. William S. Smith, surveyor of the port of New York, and by the documents herein after mentioned.

Gen. Miranda is a native of the province of Carraccas in South America, where he spent the earlier part of his life. The inhabitants of that country were represented as groaning under their dependence on a despotic government and anxious to throw off the yoke. Many of gen. Miranda's countrymen were also stated to have been long desirous of freeing themselves from their bondage, looking to him as their expected deliverer, and ready to receive and unite with him whenever he should bring to them a hope of success. It was further suggested that gen. Miranda had long entertained a design of emancipating his native country which was disclosed to Mr. Jefferson and the design approved by him, so long ago as when Mr. Jefferson was minister at the court of France from the United States. That gen. Miranda had been for some years soliciting and expecting aid in his enterprise from Great Britain, but that at length finding his expectations of assistance from that quarter fallacious, he had left that country and embarked for this, not with an intent to relinquish his design, but with the hope of finding here the means of success; that he had arrived in New York in the beginning of November last, bringing with him a very interesting and important letter to a gentleman of the first consequence in New York, which fully developed his designs, and stated that he had embarked for the United States, on the execution of the great plan, which he had

for so many years meditated for the liberation of his country. That in utter despair of the British government taking a decisive step, he had at last determined to try what could be effected by such resources as America could furnish, and might be willing to afford him either as an enterprise sanctioned by public authority or undertaken by individual adventurers.

Your memorialist was well assured that this letter was about the latter end of November, communicated to the secretary of state and to the president of the United States; that after it had been some days in the hands of the secretary of state, the receipt of it was acknowledged by him; and that about the last of the same month, general Miranda proceeded to Washington to communicate personally his plan to the government. That immediately after his arrival at Washington, general Miranda visited the secretary of state; that in his first interview he informed the secretary that he desired to make an important and confidential communication to the government as soon as the president should permit it to be received; that at a subsequent interview the secretary of state informed him that having consulted the president on the subject of their former conference, he was authorized to receive his communication; that general Miranda then opened to the secretary of state his object in coming to the United States, exposed the condition of the province of Carraccas, the general discontent of its inhabitants, and the ease with which it might become independent, concluding by a request for the countenance and succor of the government. That at a subsequent interview the secretary of state informed general Miranda that he had communicated to the president what had passed in their preceding conference; that the president's sentiments could not be doubted, but that government could afford neither succor nor aid to the enterprise in which he was engaged. That upon this general Miranda remarked that without the countenance of government, individuals might be unwilling to assist him, and the secretary replied that the United States was a free country, where every one might do what the laws did not forbid. That general Miranda then observed that the bill depending for prohibiting the exportation of arms and ammunition might impede his measures, and the secretary answered that the bill might not become a law; that general Miranda informed the secretary that he had conferred with certain persons in New York respecting his views, and if government should privately make him a small advance of money he might with the assistance of those persons find the supplies he wanted; to which the secretary replied that the merchants would advance money whenever they became satisfied that they had an interest in doing so, & enquired what supplies he might want, & who were the persons with whom he had conferred; general Miranda answered that he wanted a few officers and privates, together with a quantity of arms and ammunition, and that he had conferred with commodore Lewis & colonel Smith, who had named your memorialist to general Miranda as the proprietor of vessels suitable to his views. Whereupon the secretary expressed himself favorably concerning the fitness of these persons named by general Miranda, adding in reference to your memorialist that it would be better than the Saint Domingo trade, in which your memorialist had been some time engaged, and that colonel Smith was more qualified for military service than for the custom house, in consequence of which last observation, general Miranda then said that colonel Smith would go with him, if he could have leave of absence; but the secretary replied that such permissions were unusual and could not be granted in this instance, and that the conference ended with an intimation on the part of the secretary of state, that whatever might be done should be discreetly done, and with the understanding on the part of general Miranda, that though the government would not aid his enterprise, it met its approbation and encouragement, and that it would not be opposed; that general Miranda remained at Washington fourteen days, and had several interviews with the president and secretary; in which time he wrote to colonel William S. Smith two letters, of which copies follow:

Washington, 11th Dec. 1805.

My dear friend,

I have received your letter of the 1st and 6th of this month, and our commodore's of the 5th. The business you and him mention is on the *Tapis* at this present moment, and will be concluded I hope in the course of this week. Not a moment is lost and the appearances look very favorable. Have a little patience and you shall hear soon the result. I hope you will act on your side with as much activity, &c. &c. My best compliments to the worthy Admiral and to Major A. They both shall hear from me as soon as any thing is decided: write to me here at *Stell's Hotel* and that will be sufficient, if the direction is Mr. Molini.

Yours, M—A.

Col. Wm. S. Smith.

Washington, Dec. 14th, 1805.

Dear Friend,

I saw yesterday for the second time both the gentlemen, and after talking fully on the subject, I think I brought the business to a conclusion. Yet Mr. M. upon hearing my determination of quitting this city to-morrow for New York, appeared surprised, and persuaded me not to leave it before Tuesday next, the 17th, when he expected me to dine with him, and to have a little more conversation I suppose. On consideration I thought that a stay three days longer

might show calm and patience on my part, which would give to this step all the dignity I intended, though I am persuaded that no more will be obtained than what is already imparted. Their tacit approbation and good wishes are evidently for us, and they do not see any difficulty that may prevent the citizens of the United States in a tender personality or sending supplies for this object, provided the public laws should not be openly violated. Your demand of permission or leave of absence is considered impracticable, and Mr. M. thinks easier to take the risk upon yourself at once; however we shall consider this subject with much reflection when we shall meet at New York. On the 18th early I shall certainly leave this for Philadelphia, from whence I will write to you again, and without much delay proceed to New York. In the mean time I request of you to have every thing ready for departure before the last day of December, and I beg of you to show to our worthy commodore as much as is necessary of this letter, not thinking prudent in me at this moment and on so delicate a subject to write any more; do the same with the major, and repeat to both my most sincere friendship and permanent esteem. When we meet you and they shall hear more on this subject, in the mean time act with much caution and great activity.

Yours, M—A.

Your memorialist further respectfully represents, that the extraordinary equipment of the ship Leander, though made with some appearance of secrecy, was a matter of general conversation, and of great notoriety, in the city of New York for a long time before she sailed. That several officers of the government of the United States were acquainted with it; that in particular it was well known to the collector of the port of New York, to whom a formal representation was made by an officer of high rank under the government of the State; and the collector was by him called upon to notice the fact; but the collector refused to do so, saying it was not his official duty to notice the representation; that eleven days before the Leander sailed, on the 22d day of January last, general Miranda wrote to the president of the United States a letter, and a letter to the secretary of state, of which the following are translations.

New York, 22d Jan. 1806.

Mr. President,

I have the honor to send you enclosed the neutral and civil history of Chili, of which we conversed at Washington; you will perhaps find more interesting facts and greater knowledge in this little volume, than in those which have been before published on the same subject concerning this beautiful country. If ever the happy prediction which you have pronounced on the future destiny of our dear Columbia is to be accomplished in our day, may Providence grant that it may be under your auspices, and by the generous efforts of her own children. We shall then in some sort behold the revival of that age, the return of which the Roman bard invoked in favor of the human race!

The last great age foretold by sacred rhymes
Renews its finished course: Saturnian times
Roll round again, and mighty years began
From this first orb, in radiant circles ran.

With the highest consideration and profound respect, I am, Mr. President,
Your very humble
And very obedient servant,
(Signed) FRAN. DE MIRANDA.
To Thos. Jefferson, esquire,
President of the U. States.
(PRIVATE.)

New York, 22d January, 1806.

SIR,

On the point of leaving the U. States allow me to address a few words to you, to thank you for the attentions that you were pleased to shew me during my stay at Washington. The important concerns which I then had the honor to communicate to you, I doubt not, will remain a profound secret until the final result of that delicate affair; I have acted upon that supposition here by conforming in every thing to the intentions of the government, which I hope to have apprehended and observed with exactness and discretion. The enclosed letter contains a book which I have promised to the President of the U. States, and which I pray you to transmit to him. Have the goodness to present my respectful compliments to Mrs. Madison, and to believe me with the highest consideration and esteem, Sir,
Your very humble and
Obedient servant,
(Signed) FRAN. DE MIRANDA.
To the hon. James Madison, esq.
(To be continued.)

BOSTON, May 18.

This moment arrived the ship *Galen*, capt. Stedman, 37 days from London, and 31 from the Downs. By her we have been furnished with papers to the 9th ult. 3 days later than by the *Hampden*. Nothing of particular consequence had transpired. They announce the arrival of a number of British vessels from Embden, &c. some with and some without cargoes. Also many Prussian vessels sent in by their cruisers. A flag of truce arrived at Dover on the 7th from Boulogne. A paper of the 9th contains the following extracts.

The Gazette contains a note, stating that the requisite communication has been made to the Foreign ministers at this court, by Mr. Fox, apprising them that the Ems, the Eibe, the Weser and Tave have been put in a state of blockade. The trade of Hamburg, of Embden, Lubec, and Bremen, and of those places carried on through them from principal channels, is thus cut off.

Much speculation continues to be excited by the arrival of the last flag of truce. But no more is known of the matter than the fact of the arrival of dispatches.

This form all the data of which the opinions of the public respecting the nature of the communications are built. Many incline to think that something of peace, as well as the exchange of prisoners, is in agitation.

Capt. Bartlett, from Bayonne, informs that Louis Bonaparte, has been declared Sovereign of Holland by a decree of the governments.

EXPRESS FROM HOLLAND.

Englishman Office, 2 o'clock, A. M.

We stop the press to announce the arrival of an express with intelligence of the highest importance from Holland. By this conveyance we learn that Hamburg, Lubec, Bremen, Embden, &c. having been all shut against the trade of Great Britain. Letters received by several respectable persons in the City concur in this statement. We have been favored with a perusal of some from Holland of so recent a date as last Tuesday. They assert that the King of Prussia had marched 30,000 men into Hamburg, and had shut its ports against England; the same measures had been pursued with respect to Bremen and Embden. These letters also state that a Prussian army has been marched through Holstein, for the purpose of shutting up the sound against our trade.

SUMMARY.

Private letters by the Hampden assure us, that there was not the most distant prospect of peace in Europe; that the views of the administration, governed & directed as they appeared to be by recent intelligence from the continent, were directly opposed to any overtures for any accommodation.

In commenting on the language of Mr. Fox, the English writers agree, that there is no hope of an early negotiation of peace with France; but on the contrary, that war must continue, while the ambition of Bonaparte remained unsatisfied. They further state, that fears are now entertained, of a conspiracy between France and Prussia for the dethronement of the king of Sweden, and that it is probable the order for embargoing all Prussian vessels, was grounded on the certain knowledge of this connection.

The French have withdrawn their troops from Hanover; and the whole country taken possession of by Prussia. The mission of the Duke of Brunswick to Petersburg is said to have failed. The object of it was believed to have been to reconcile the Emperor Alexander to the conduct of the Prussian cabinet, and to prevail on him to withdraw his troops from Poland.—The Duke has returned to Berlin.

It is very evident that Prussia is completely under the controul of France; and that her alliance will end in her subjugation by that power. The possession of Hanover, however it may give to Prussia a larger extent of territory and population, than she has ceded, is no real equivalent for being thrust back from the Rhine to the Weser, for the loss of the important posts of Cleves and Wesel, for having a French prince placed as a kind of watch and sentinel at her gates, and for the rapid decline of her influence over the Elector of Hesse, and possibly the Elector of Saxony.

The principal part of the kingdom of Naples has been subdued by the French; the Calabrese have yielded; the fortress of Gaeta alone remains unsubdued. An attempt is contemplated against Sicily, defended as it is by British troops, and guarded by a British squadron.

The expedition under Sir James Craig, was at Messina the middle of February. A French squadron of considerable force has been on the coast of Africa, and made many valuable captures.

Some Prussian ships with troops and heavy artillery on board, have appeared before Hamburg, to protect her, as the vulture does the lamb.

The French troops still in Germany are estimated at 200,000 men. Marshal Jourdan is to take command in the city of Naples.

Marshal Bernadotte has been presented by Bonaparte with the royal palace and domain of Trieladorf, in Anspach.

NEW YORK, May 21

The ship *Mary Ann*, left Bordeaux on the 20th of April: Paris papers of the 12th, and a regular file of Bordeaux papers to the 16th of that month inclusive are received at the office of the Mercantile Advertiser. Notwithstanding gigantic projects of aggrandizement are forming, and although the continent of Europe is undergoing an important revolution, these papers are almost wholly destitute of interest.

We learn, verbally, that Prussia has declared war against Sweden; that the French were marching large armies towards European Turkey, from which quarter news of hostilities having commenced was shortly expected; and that scarcely a doubt existed that Prussia had joined France in the war against England, or would do so shortly.

On the 6th of April, the guard ship, in the harbor of Bordeaux, mounting 28 twelve pounders, and 110 men, (on board of which were the papers of the brig *Orient* of New York) was cut out and captured by the boats of the British frigate *Iris*. After the English had taken possession of her, she was attacked by a French man of war brig, but without success: the latter was beaten off with the loss of several men.

A British squadron was blockading Rochefort. An embargo of ten days continuance was raised at Bordeaux on the 19th, the day before capt. Burke sailed.

A decree had been issued from the custom house at Bordeaux, in which it was ordered, 1. That the importation of printed and white cotton cloths, muslins, and cotton yarn be prohibited. 2. That the importation of raw cotton be subject to a duty of 60 francs decimal quintal, and spun cotton to 7 francs per kilogramme. 3. That spun cotton be admitted only through the offices at Antwerp, Cologne, Mayence, Strasbourg, Bourghibre, and Versois. 4. That a

drawback of 53 cents decimal quintal be allowed on cloths, hosiery and other wrought cottons, exported, on proof of their being French manufacture, and that the raw cotton has paid the stipulated duty.

A letter from Amsterdam dated the 19th April, received by the ship *True American*, says—"Every day affords something new.—The papers of this morning allude to new troubles on the continent. It is said that the Russian troops are marching into Prussian Poland. Business, generally speaking, is brisk, and prices steady. Coffee scarce."

April 3.

Another flag of truce was received yesterday morning at Dover. The bearer who is stated to be an officer of engineers, and a member of the legion of honor, was taken, with his dispatches, on board a gun brig to the Downs. His papers were sent off by express from Deal to London. It is observed that the agent for prisoners at Dover applied to the French officer for his dispatches, but was told that they did not relate to his department.—The only inference left is, that they relate to the great question of "war or peace"—This topic is at once so important and so mysterious, that it would be inconsistent in us to dwell on the vague conjectures which have been formed. We know that Bonaparte is a man who uses his "power as his right, and his justice as his left hand." But does he mean, whilst with his right to grapple, to overwhelm, and to destroy, to use his left handed policy to lull and to delude the councils of this nation? In this case he must be greatly misinformed as to the character of our present ministers. Our consolation in the present case, rests on our conviction, that they are able to meet French artfulness and finesse, with all the combinations of solid wisdom. We have reason to believe, that under all the present circumstances, the discussions, as far as they have taken place, will not be long withheld from the public.

MADRID, March 7.

In the night of the 26th February, the four French frigates and two brigs which were in the port of Cadix set sail, and contrived to deceive the vigilance of the English fleet which is cruising off that port. As they have provisions on board for six months, it is presumed they have a distant destination.

Government has received advices within these few days, that a conspiracy has been discovered at Carracas (on the continent of America) the central point of which was the city of Paz. Seventeen of the principal conspirators, among whom were some functionaries of the state, were seized and executed. The wise measures which were taken, still in its birth a plot which might have been attended with the worst consequences.

HAMBURG, April 1.

The circumstance of the English consul and the vessels of his nation having so suddenly quitted this port, is now explained.—These measures were taken in consequence of the proclamation made at Hanover, on the 28th ult. by the Prussian minister count von Schulenburg, which prohibits the entrance of the Weser, the Elbe and all the ports in the North sea, to English vessels.

April 2.

It is already announced that four English ships form the blockade of the Elbe. There is not a single vessel of that nation in our port or in that of Altona.

The Prussian general, count de Schulenburg, published, the 28th at Hanover, what follows:—"It has been stipulated in a treaty concluded between his Prussian majesty, my most gracious master, and his majesty the emperor of the French and king of Italy, that the ports of the North Sea, and also the mouths of the rivers which empty themselves into it, should be shut to English navigation and commerce, as they were during the time that the French troops occupied the states of Hanover. I publish the pretext by order of my august sovereign, to serve as a rule to all those whom it may concern. It has been enjoined on the troops of the king my master, to refuse entrance to all English ships which should present themselves in the said ports and rivers, and to hinder the introduction of English merchandise."

(Signed)
Count SCHULENBURG KERNERT,
General of cavalry in the service of his Prussian majesty and commander of the army in Hanover.

NEW-YORK, May 22.

Captain Clarke, of the ship *Huron*, arrived yesterday, left Nantz the 20th of April, and informs, that it was reported at that time, that a French army was going to Denmark, for the purpose of compelling the Danes to shut up the Baltic Sound against the British.

The landing of Miranda at Carraccas is confirmed by captain Strange, of the brig *Fair America* from Guadaloupe, who informs us that the intelligence was bro't by a French privateer from the coast of Carraccas, with the addition that he had been defeated by the Spaniards.

Another account says.—Captain Hinton of the schooner *Jasen*, in 20 days from Trinidad, relates that intelligence had reached the Island of the capture of Carraccas by a British Force. This however, we have some reason to think the expedition under General Miranda, and reported as British from the circumstance of that general having been recently joined by a British squadron. The accounts received via Boston of the capture of Comane, must be premature, as the intelligence of such an event would have reached Trinidad at the time of captain Hinton's sailing.

That the Spaniards were in expectation of a most formidable attack being made on the province of Carraccas, was evident from the forces which had been levied to oppose the invading adventures.

Extra't of a letter from Trinidad, dated May 1, 1806, to a gentleman in this city.

"I have not heard, with any kind of correctness, where General Miranda has been since he left New York. Admiral Cochrane will give him all possible assistance."

May 24.

Mr. James Bruce, passenger in the schr. *Charlotte Augusta*, arrived here yesterday, in 9 days from Halifax, informs us it was reported there, that Commodore Beresford had arrested capt. Whitby, of the *Leander*, for his outrageous

drawback of 53 cents decimal quintal be allowed on cloths, hosiery and other wrought cottons, exported, on proof of their being French manufacture, and that the raw cotton has paid the stipulated duty.

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Government has received advices within these few days, that a conspiracy has been discovered at Carracas (on the continent of America) the central point of which was the city of Paz. Seventeen of the principal conspirators, among whom were some functionaries of the state, were seized and executed. The wise measures which were taken, still in its birth a plot which might have been attended with the worst consequences.

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April 2.

It is already announced that four English ships form the blockade of the Elbe. There is not a single vessel of that nation in our port or in that of Altona.

The Prussian general, count de Schulenburg, published, the 28th at Hanover, what follows:—"It has been stipulated in a treaty concluded between his Prussian majesty, my most gracious master, and his majesty the emperor of the French and king of Italy, that the ports of the North Sea, and also the mouths of the rivers which empty themselves into it, should be shut to English navigation and commerce, as they were during the time that the French troops occupied the states of Hanover. I publish the pretext by order of my august sovereign, to serve as a rule to all those whom it may concern. It has been enjoined on the troops of the king my master, to refuse entrance to all English ships which should present themselves in the said ports and rivers, and to hinder the introduction of English merchandise."

(Signed)
Count SCHULENBURG KERNERT,
General of cavalry in the service of his Prussian majesty and commander of the army in Hanover.

NEW-YORK, May 22.

Captain Clarke, of the ship *Huron*, arrived yesterday, left Nantz the 20th of April, and informs, that it was reported at that time, that a French army was going to Denmark, for the purpose of compelling the Danes to shut up the Baltic Sound against the British.

The landing of Miranda at Carraccas is confirmed by captain Strange, of the brig *Fair America* from Guadaloupe, who informs us that the intelligence was bro't by a French privateer from the coast of Carraccas, with the addition that he had been defeated by the Spaniards.

Another account says.—Captain Hinton of the schooner *Jasen*, in 20 days from Trinidad, relates that intelligence had reached the Island of the capture of Carraccas by a British Force. This however, we have some reason to think the expedition under General Miranda, and reported as British from the circumstance of that general having been recently joined by a British squadron. The accounts received via Boston of the capture of Comane, must be premature, as the intelligence of such an event would have reached Trinidad at the time of captain Hinton's sailing.

That the Spaniards were in expectation of a most formidable attack being made on the province of Carraccas, was evident from the forces which had been levied to oppose the invading adventures.

Extra't of a letter from Trinidad, dated May 1, 1806, to a gentleman in this city.

"I have not heard, with any kind of correctness, where General Miranda has been since he left New York. Admiral Cochrane will give him all possible assistance."

May 24.

Mr. James Bruce, passenger in the schr. *Charlotte Augusta*, arrived here yesterday, in 9 days from Halifax, informs us it was reported there, that Commodore Beresford had arrested capt. Whitby, of the *Leander*, for his outrageous